

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Pekka Lonka	CONF. NO.	7703
SERIAL NO.:	10/692,273	ART UNIT:	2617
FILING DATE:	10/23/2003	EXAMINER:	Danh C. Le
TITLE:	MOBILE COMMUNICATION DEVICE WITH A CAMERA		
ATTORNEY	NC 24117US		
DOCKET NO.:	297-008681-US(REI)		

PETITIONS **PAUL SHANOSKI**
ATTORNEY

Commissioner of Patents
Washington, D.C. 20231

**STATEMENT OF FACTS IN SUPPORT OF PETITION
TO ACCEPT SUPPLEMENTAL DECLARATION WITHOUT SIGNATURE OF THE
INVENTOR IN A REISSUE APPLICATION**

This statement is being filed concurrently with a petition under 37 C.F.R. §1.183. This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the supplemental declaration required in this Re-Issue application by the inventor, Pekka Lonka.

This statement is being made by an available person having first-hand knowledge of the facts recited therein.

I. IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name: Anu Ylinen

Address: Itämerenkatu 11-13, FI-00180 Helsinki, Finland

Title: IPR Administrator

II. LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

Pekka Lonka

Full name of nonsigning inventor

Paasionkatu 5, FI-24100, Salo Finland

Last known address of nonsigning inventor

III. DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR, PEKKA LONKA, AND DETAILS OF REFUSAL OF NONSIGNING INVENTOR TO SIGN THE SUPPLEMENTAL DECLARATION PAPER

1. I, Anu Ylinen, am an employee of Nokia Corporation, and my responsibilities include, among others, interacting with inventors of Nokia Corp. applications as needed to get their signatures on formal documents.

2. In response to the request to provide a Supplemental Declaration in this ReIssue Application, I was responsible to contact the inventor, Pekka Lonka, provide him with the Supplemental Declaration papers for his signature, and then return the signed documents to the US Attorneys for filing in the United States Patent and Trademark Office in due course.

3. On or about 16 March 2009, a copy of the Supplemental Declaration was sent by me, Anu Ylinen, via email, to Mr. Lonka's work email address, pekka.lonka @ nokia.com. The delivery of that email failed. A copy of the auto-response indicating that delivery of the email failed was received on 16 March 2009, and is attached hereto as Exhibit A.

4. I contacted Mr. Lonka's manager at Nokia Corp. and was then informed that Mr. Lonka was no longer an employee of Nokia Corporation, the assignee of the instant re-issue application. I was informed that his employment with Nokia Corporation ended on or about March 2009.

5. I then sent the documents via regular mail to Mr. Lonka's last known residence address at Paasionkatu 5, FI-24100, Salo, FINLAND.

6. After neither receiving any reply from Mr. Lonka nor receiving the signed documents back from Mr. Lonka, I obtained Mr. Lonka's telephone number using

Fonecta Finder, an online phone book service in Finland. A copy of the web page from Fonecta Finder is attached hereto as Exhibit B.

7. On or about 22 May 2009, I then called Mr. Lonka by telephone and asked him about the status of the Supplemental Declaration that I had sent to him by mail. He informed me that he had received the Supplemental Declaration documents by mail. However, he sounded reluctant to sign them due the circumstances surrounding his employment termination, and indicated he had to think about the request and would call me back.

8. On or about 25, 26 May 2009, Mr. Lonka called me by telephone and stated that he would not sign the Supplemental Declaration papers.

9. On or about 17 July 2009, at the request of the US Attorney's handling the prosecution of this ReIssue Application before the US Patent and Trademark Office, I sent another set of Supplemental Declaration papers to Mr. Lonka, via certified mail, with a request that he sign and return the Supplemental Declaration papers to me as soon as possible. A copy of the tracking document for the registered letter from the Finnish postal service indicating that the papers were delivered to Mr. Lonka on 20 July 2009 is attached hereto as Exhibit C.

10. As of the date of this declaration, the signed papers have not been returned to me by Mr. Lonka.

11. Thus, it is respectfully submitted that Mr. Lonka refuses to sign the Supplemental Declaration papers despite our diligent efforts to obtain his signature.

12. Therefore, it is urged that since Mr. Lonka refuses to sign the Supplemental Declaration, despite our diligent efforts to obtain his signature, the Supplemental Declaration be accepted without his signature.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Anu Ylinen
Anu Ylinen

Date: 8 September 2009

EXHIBIT A
TO
DECLARATION OF ANU M. YLINEN

US SERIAL NO. 10/692,273

Patenttitoimisto Berggren (EXT-RES/Helsinki)

Lähetittäjä: Nokia Autoresponder [do.not.reply@nokia.com]

Lähetetty: ma 16.3.2009 12:42

Vastaanottaja: Yllinen Anu.M (Nokia-LIP/Helsinki)

Kopio:

Aihe: Recipient address not in use - NC24117US - Formal document for signing

Liitteet:


E-mail delivery to @nokia.com addresses failed.

To: Pekka.Lonka@nokia.com


Subject: NC24117US - Formal document for signing

Date: Mar 16, 2009 12:42:05 PM (UTC +2)

Thank you for your email. I'm not currently using this email address. Please contact me on my mobile phone. You can also call Nokia switchboard +358718008000 and ask them to connect you to me.

 Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

Patent-Agency Perman-Green (EXT-RES/Usa)

From: Ylinen Anu.M (Nokia-LIP/Helsinki)
To: Lonka Pekka (RES/MailReplyAddress)
Cc:
Subject: NC24117US - Formal document for signing
Attachments:  SupplementalDeclaration.pdf(244KB)

Sent: Mon 3/16/2009 6:41 AM

Dear Inventor

With reference to the above case, please find enclosed formal document for signing. Kindly print the document (1-sided), sign and date it and return to me as soon as possible to Anu Ylinen, Ruoholahti/F6

Please don't hesitate to contact me if you have any questions.

Kind regards
Anu Ylinen

Anu Ylinen
IPR Administrator
Intellectual Property Rights
Nokia Corporation
P.O. Box 407, FI-00045 NOKIA GROUP
Mobile: +358 50 480 1265

<<SupplementalDeclaration.pdf>>

EXHIBIT B

TO

DECLARATION OF ANU M. YLINEN

US SERIAL NO. 10/692,273

Front page > Search: pekka lonka, salo > LONKA PEKKA

LONKA PEKKA

040 419 9098

(Sonera)

Salo

PAASIONKATU 5

24100 SALO

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EXHIBIT C

TO

DECLARATION OF ANU M. YLINEN

US SERIAL NO. 10/692,273

Item Data

Item code: RR063545021FI
Second item code:
Transport service: **Registered Letter**
Additional services:
Weight: 0,00 kg
Volume: 0 m³
Destination postal code:
Recipient signature:
COD amount: 0,00

Advance notification in an SMS:
Electronic 1st Advice of Arrival:
Electronic 2nd Advice of Arrival:

Item codes

Item code: RR063545021FI



Events

Item delivered to the recipient.
Registration: 20.7.2009 15:25:52
Location: SALO 10 24100

Item ready for pick up at a Post Office collection point against a notice of arrival or item code.
Registration: 20.7.2009 07:49:44
Location: SALO 10 24100

Item has been registered.
Registration: 20.7.2009 01:02:40
Location: TURKU 20000

Item has been registered.
Registration: 17.7.2009 18:02:53
Location: HELSINKI 00000